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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/474,326	12/29/1999	THOMAS J. FOTH	E-977	2120

919 7590 10/12/2004

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EXAMINER

BACKER, FIRMIN

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 10/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/474,326

Applicant(s)

FOTH ET AL.

Examiner

Firmin Backer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Request for Reconsideration

This is in response to a request for reconsideration file June 21st, 2004. Claims 1-8 are being reconsidered in this action.

Response to Arguments

1. Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Krishman et al (U.S. Patent No. 6,073,124).
4. As per claims 1 and 8, Krishman et al teach a method for using a computer to facilitate a transaction between a merchant and a buyer comprising downloading into the computer a digital

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content file of the merchant, the digital content file including a header with information related to purchasing a digital content product and the digital content product in encoded form, and using the computer for reading the downloaded header displaying at least some of the information related to purchasing the digital content product while concurrently downloading the encoded digital content product into the computer (*see fig 2, summary of the invention and column 6 lines 44-7 lines 43, 8 lines 26-10 line 55*).

5. As per claim 2, Krishman et al teach a method comprising inputting a request to purchase the digital content product into the computer, outputting from the computer the request to purchase to a broker computer, receiving at the computer from the broker computer a key for decoding the encoded digital content product in response to the request to purchase, and using the key at the computer to decode the encoded digital content product while concurrently displaying the decoded digital content product (*see fig 2, summary of the invention and column 6 lines 44-7 lines 43, 8 lines 26-10 line 55*).

6. As per claims 3, Krishman et al teach a method comprising concurrently downloading the encoded digital content product into the computer while decoding the encoded digital content product and displaying the decoded digital content product (*see fig 2, summary of the invention and column 6 lines 44-7 lines 43, 8 lines 26-10 line 55*).

7. As per claims 4, Krishman et al teach a method for using a computer by a broker to encrypt digital content product files of a merchant that are hosted at a merchant web site

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comprising of inputting into the computer the digital content product files designated for encryption together with the web site location of the digital content product files and information required to access the digital content product files via the computer, connecting to the web site and accessing and encrypting the digital content product files designated for encryption and storing the encrypted digital content product files at the web site (*see fig 2, summary of the invention and column 6 lines 44-7 lines 43, 8 lines 26-10 line 55*).

8. As per claims 5, Krishman et al teach a method further comprising inputting into the computer a location at the web site where each of the encrypted digital content product files are to be stored, and storing the encrypted digital content product files at the location (*see fig 2, summary of the invention and column 6 lines 44-7 lines 43, 8 lines 26-10 line 55*).

9. As per claims 6, Krishman et al teach a method comprising using the computer to create a buyer product file for each encrypted digital content product file, the buyer product file including the encrypted digital content product file and a header having information about the digital content product file for use by a buyer in making a decision on whether to purchase the digital content product (*see fig 2, summary of the invention and column 6 lines 44-7 lines 43, 8 lines 26-10 line 55*).

10. As per claims 7, Krishman et al teach a method for distributing from a first computer digital content products for purchase, the method comprising encrypting a first digital content product file; statically storing the encrypted first digital content product file at the computer,

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storing a second digital content product file in unencrypted form at the computer; and inputting a request into the first computer for downloading from the first computer to a second computer at least one of the encrypted first digital content product file and the second digital content product file, wherein at times when the request is for the encrypted first digital content product file downloading the first encrypted digital content file to a second computer, and at times when the request is for the second digital content product file dynamically encrypting the second digital content product file while maintaining the storing of the second digital content product file in unencrypted form (*see fig 2, summary of the invention and column 6 lines 44-7 lines 43, 8 lines 26-10 line 55*).

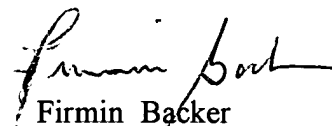
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Firmin Backer whose telephone number is (703) 305-0624. The examiner can normally be reached on Mon-Thu 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Firmin Backer
Primary Examiner
Art Unit 3621

October 4, 2004